

Appl. No.: 09/842,967

Filed: April 26, 2001

Page 20

**REMARKS/ARGUMENTS**

Applicants appreciate the thorough examination of the present application, as evidenced by the first Official Action. Applicants also appreciate the indication that dependent Claims 2-10, 12-24, 26, 28-32, 34-43, 45-48, 50-54 and 56-68 are allowable, and would be allowed if rewritten into independent form. However, the Official Action rejects the remaining claims, namely Claims 1, 11, 25, 27, 33, 44, 49, 55 and 69-83 under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent No. 4,556,882 to Brifman et al. In response to the Official Action, Applicants have amended allowable dependent Claims 2, 26 and 45 into independent form, including all the recitations of base independent Claims 1, 25 and 44, respectively. Applicants therefore respectfully submit that allowable Claims 2, 26 and 45 are in condition for immediate allowance.

Applicants have also cancelled independent Claims 1, 25 and 44. Accordingly, Applicants have amended dependent Claims 6-8, 10 and 11 to depend from allowable Claim 2; amended dependent Claims 27-29, 32, 33, 38 and 41 to depend from allowable Claim 26; and amended dependent Claims 49-52, 54 and 55 to depend from allowable Claim 45. Applicants therefore respectfully submit that dependent Claims 3-25, 27-44 and 46-68 depend, directly or indirectly, from allowable Claims 2, 26 and 45, respectively. As such, Applicants also respectfully submit that dependent Claims 3-25, 27-44 and 46-68 are in condition for immediate allowance.

As explained below, however, Applicants submit that the claimed invention of independent Claim 69, and the claims that depend therefrom, is patentably distinct from the Brifman patent, and as such, Applicants respectfully traverse the rejection of such claims as being anticipated by the Brifman patent. In view of the amendments to the claims and the remarks presented herein, Applicants respectfully request reconsideration and allowance of all of the pending claims of the present application.

The Brifman patent discloses a remote control circuit breaker system with an on-off-tripped-problem status storage and indication. As disclosed, the system includes a central processing unit and a plurality of remote circuit breakers. Each remote circuit breaker, in turn, has an individual electronic circuit that receives commands to turn the breaker on or off or hold.

Appl. No.: 09/842,967

Filed: April 26, 2001

Page 21

---

The electronic circuit also senses the state of the breaker contacts and a control line and, upon request, sends back status codes which are stored in the memory to be read when desired by the central processing unit. In this regard, contact state is determined by directly measuring the contact resistance in single break contacts (or solid state device contactors) or the contact voltage in double-break contacts. As also disclosed, the system includes an overload trip signal circuit that receives a signal from a current sensor. Thereafter, the overload trip signal circuit can operate through a timing and control unit to activate a command-transfer-due-to-overload-trip circuit to command opening of the remote circuit breaker.

Independent Claim 69 of the present application provides a method of remotely controlling an input current from a master controller through at least one switch to at least one load. As recited, the method includes configuring a processing element disposed remote from the master controller and proximate the load(s), where the processing element is configured based upon at least one characteristic including a current rating of each load, a voltage rating of each load, a maximum current rating of each switch and/or a temperature rating of each switch. The method also includes monitoring at least one parameter associated with each switch and respective load, the parameter(s) including the input current to the load, a voltage drop across the load, the input current through the switch and/or a temperature of the switch. A condition of each switch and respective load is determined depending upon at least one of the characteristic(s) and parameter(s). Thereafter, each switch is operated in an on mode and/or an off mode dependent upon the condition of the respective loads. In this regard, the switch permits the input current to flow to a respective load in the on mode, and prevents the input current from flowing to the respective load in the off mode.

In contrast to the method of independent Claim 69, the Brifman patent does not teach or suggest remotely controlling an input current from a master controller through switch(s) to load(s), including configuring a processing element disposed remote the master controller and proximate the load(s), where the processing element is configured based upon at least one characteristic including a current rating of each load, a voltage rating of each load, a maximum current rating of each switch and/or a temperature rating of each switch. The Brifman patent does disclose an overload condition causing a circuit breaker to trip and thereby enter a tripped state.

Appl. No.: 09/842,967

Filed: April 26, 2001

Page 22

However, the Brifman patent does not disclose how the overload condition is identified, much less that a processing element is configured with the overload condition. In fact, the Brifman patent discloses that the circuit breaker is tripped by changing the state of single-break or double-break contacts (i.e., breaker coils 20). And as will be appreciated by those skilled in the art, such contacts or breaker coils are commonly mechanically set for a specific rating, which defines the threshold for an overload condition. Thus, including contacts or breaker coils suggests that the overload condition of the Brifman system is mechanically set by the contacts themselves, and not by configuring a processing element, as recited by independent Claim 69. In contrast, configuring a processing element based upon characteristics, including a current rating of each load, a voltage rating of each load, a maximum current rating of each switch and/or a temperature rating of each switch, permits the processing element to be configured and reconfigured for greater flexibility in operating for various loads.

Applicants therefore respectfully submit that the method of independent Claim 69 is patentably distinct from the Brifman patent. As dependent Claims 70-83 depend, directly or indirectly, from independent Claim 69, Applicants also respectfully submit that the invention of dependent Claims 70-83 is patentably distinct from the Brifman patent, for at least the same reasons given above with respect to independent Claim 69. Thus, Applicants respectfully submit that the rejection of Claims 69-83 as being anticipated by the Brifman patent is overcome.

Appl. No.: 09/842,967  
Filed: April 26, 2001  
Page 23

### CONCLUSION

In view of the amendments to the claims and the remarks presented above, Applicants respectfully submit that the present application is in condition for allowance. As such, the issuance of a Notice of Allowance is therefore respectfully requested. In order to expedite the examination of the present application, the Examiner is encouraged to contact Applicants' undersigned attorney in order to resolve any remaining issues.

It is not believed that extensions of time or fees for net addition of claims are required, beyond those that may otherwise be provided for in documents accompanying this paper. However, in the event that additional extensions of time are necessary to allow consideration of this paper, such extensions are hereby petitioned under 37 CFR § 1.136(a), and any fee required therefore (including fees for net addition of claims) is hereby authorized to be charged to Deposit Account No. 16-0605.

Respectfully submitted,

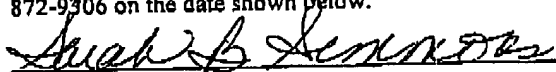


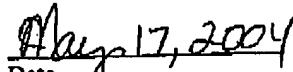
Andrew T. Spence  
Registration No. 45,699

Customer No. 00826  
**ALSTON & BIRD LLP**  
Bank of America Plaza  
101 South Tryon Street, Suite 4000  
Charlotte, NC 28280-4000  
Tel Charlotte Office (704) 444-1000  
Fax Charlotte Office (704) 444-1111

#### CERTIFICATION OF FACSIMILE TRANSMISSION

I hereby certify that this paper is being facsimile transmitted to the US Patent and Trademark Office at Fax No. (703) 872-9306 on the date shown below.

  
Sarah B. Simmons

  
Date